

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES NICHOLAS MULLENDORE,

Defendant.

**INDICTMENT**

The Grand Jury charges:

**COUNT 1**

(Receipt of Child Pornography)

On or about October 25, 2017, in Kalamazoo County, in the Southern Division of the Western District of Michigan, and elsewhere,

**JAMES NICHOLAS MULLENDORE**

knowingly received child pornography that was shipped or transported in or affecting interstate or foreign commerce by any means, including by computer. The defendant received child pornography through the Internet, including, but not limited to, one or more of the visual depictions listed below by file name:

1. BDWZvmAU\_o.jpg; and
2. 3k8WaaSn\_o.jpg.

18 U.S.C. § 2252A(a)(2)(A) and (b)(1)

18 U.S.C. § 2256(8)(A)

**COUNT 2**

(Possession of Child Pornography)

On or about November 4, 2017, in Kalamazoo County, in the Southern Division of the Western District of Michigan,

**JAMES NICHOLAS MULLENDORE**

knowingly possessed images and videos of child pornography that involved prepubescent minors, including, but not limited to, one or more of the visual depictions listed below by file name:

1. d.mp4;
2. a.mp4;
3. 187(1).jpg;
4. 193.jpg;
5. 207.jpg;
6. 7(1).jpg;
7. WVPdVYN.jpg;
8. 172.jpg;
9. 175.jpg; and
10. 4EQUb4V.gif.

Such depictions were produced using materials that had been shipped or transported in or affecting interstate or foreign commerce, including, but not limited to, an RCA Voyager III tablet manufactured in China.

18 U.S.C. § 2252A(a)(5)(B) and (b)(2)

18 U.S.C. § 2256(8)(A)

**NOTICE OF PRIOR CONVICTION**

The Grand Jury finds that at the time of the illegal acts alleged in Counts 1 and 2 of this Indictment, the defendant, JAMES NICHOLAS MULLENDORE, had a prior conviction under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor. Specifically, in or about 2004, JAMES NICHOLAS MULLENDORE was convicted in Michigan of Criminal Sexual Conduct, Second Degree (Person Under 13).

18 U.S.C. § 2252A(b)(2)

**FORFEITURE ALLEGATION**

(Receipt of Child Pornography; Possession of Child Pornography)

The allegations contained in Counts 1 and 2 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 2253.

Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C. § 2252A,

**JAMES NICHOLAS MULLENDORE**

shall forfeit to the United States of America any visual depiction described in 18 U.S.C. § 2252A; any matter which contains any such visual depiction that was produced, transported, mailed, shipped, and received in violation of Title 18, United States Code, Chapter 110; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses; and any property, real or personal, used or intended to be used to commit or to promote the commission of the offenses or any property traceable to such property. The property to be forfeited, as to all counts, includes, but is not limited to, the following:

- a. RCA Voyager III tablet model RCT6973W43 (made in China);
- b. Motorola cell phone model XT1540 device bearing IMEI number 355488060520895 (made in China); and
- c. Alcatel model 4060A device bearing IMEI number 014699007033585 (made in China).

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided  
without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21  
U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and by 28 U.S.C. § 2461(c).

18 U.S.C. § 2253  
21 U.S.C. § 853(p)  
28 U.S.C. § 2461(c)  
18 U.S.C. § 2252A  
18 U.S.C. § 2256(8)(A)

A TRUE BILL

A handwritten signature in black ink, appearing to read "Michael B. Shepard", written over a horizontal line.

GRAND JURY FOREPERSON

ANDREW BYERLY BIRGE  
United States Attorney

A handwritten signature in black ink, appearing to read "Tessa K. Hessmiller", written over a horizontal line.

TESSA K. HESSMILLER  
Assistant United States Attorney